

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALONZO BRADLEY,

Plaintiff,

v.

DEPARTMENT OF EXECUTIVE SERVICES,
OFFICE OF RISK MANAGEMENT
SERVICES,

Defendants.

Case No. C20-1068-MJP

ORDER DECLINING TO SERVE
COMPLAINT AND GRANTING
LEAVE TO AMEND

Plaintiff, proceeding *pro se* and *in forma pauperis*, has filed a civil rights complaint which (based on allegations of violations of the 8th and 13th Amendments by state agencies) the Court interprets as being brought pursuant to 42 U.S.C. § 1983. The Court, having reviewed the complaint, does hereby find and ORDER:

(1) In order to sustain a civil rights action, a plaintiff must show (1) that he suffered a violation of rights protected by the Constitution or created by federal statute, and (2) that the violation was proximately caused by a person acting under color of state or federal law. *See Crumpton v. Gates*, 947 F.2d 1418, 1420 (9th Cir. 1991). Section 1983 is the appropriate avenue to remedy an alleged wrong only if both of these elements are present. *Haygood v. Younger*, 769 F.2d 1350, 1354 (9th Cir. 1985). To satisfy the second prong, a plaintiff must allege facts

ORDER DECLINING TO SERVE
COMPLAINT AND GRANTING
LEAVE TO AMEND - 1

1 showing how individually named defendants caused or personally participated in causing the
2 harm alleged in the complaint. *See Arnold v. IBM*, 637 F.2d 1350, 1355 (9th Cir. 1981).

3 (2) The Court declines to order that plaintiff's complaint be served because his
4 complaint is deficient in the following respect: Plaintiff does not specifically allege in his
5 complaint that the individual defendants violated any of his federal constitutional rights nor does
6 he set forth any specific facts demonstrating that the individual defendants personally
7 participated in causing him any harm of constitutional dimension. Plaintiff's vague and non-
8 specific allegations that "Risk mngmt [*sic*] refused to adhere to the evidences that proved my
9 immediate approval for tort regarding a conspired attempt to kill me in the community by
10 attempting to shoot me with the participation of (8) gunmen, beginning in the Shilshole area,"
11 (Dkt. No. 1-1 at 5) are insufficient to state a claim upon which relief may be granted.

12 (3) **Plaintiff may file an amended complaint curing the above-mentioned**
13 **deficiencies within thirty (30) days of the date on which this Order is signed. The amended**
14 **petition must be filed under the same case number as this one, and will operate as a**
15 **complete substitute for, rather than a mere supplement to, the present petition.** *See Ferdik*
16 *v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). If no amended complaint is timely filed, the
17 Court will recommend that this matter be dismissed for failure to adequately allege a cause of
18 action under § 1983.

19 (4) The Clerk is directed to mail to the plaintiff the appropriate forms so that he may
20 file an amended complaint.

1 DATED this 13th day of July, 2020.

2
3 

4 Marsha J. Pechman
5 United States Senior District Judge
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

ORDER DECLINING TO SERVE
COMPLAINT AND GRANTING
LEAVE TO AMEND - 3